



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WESTERN REGIONAL OFFICE

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100 • FAX (413) 784-1149

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

STEPHEN R. PRITCHARD
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

September 1, 2005

Ida McDonnell, CAP
USEPA Region 1
1 Congress Street – Suite 1100
Boston, Massachusetts 02114-2023

Re: FINAL OPERATING PERMIT
Application for: BWP AQ 15
Source No.: 205912
Application #1-O-04-009; Transmittal #W047998

At: MASSPOWER
750 Worcester Street
Springfield, Massachusetts

Dear Ms. McDonnell:

In accordance with 310 CMR 7.00 – APPENDIX C(6) of the Air Pollution Control Regulations ("the Regulations"), the Department of Environmental Protection ("Department") is forwarding to EPA the attached FINAL Operating Permit for the MASSPOWER facility located at 750 Worcester Street Springfield, Massachusetts.

Public notice of the Draft Operating Permit was published by the Department in the Union News on June 2, 2005, in accordance with the requirements of 310 CMR 7.00: Appendix C. As such, the public comment period ended on July 8, 2005. During that period, no public hearing was requested pursuant to 310 CMR 7.00: Appendix C(6)(f).

On July 18, 2005 the Department forwarded to EPA Region I, via electronic mail, the Proposed Operating Permit for this facility. EPA did not object or comment on the Proposed Operating Permit, nor did EPA receive a petition to object to the Proposed Operating Permit within the regulatory deadlines. Therefore, the Department is issuing the Final Operating Permit.

The attached Final Operating Permit contains all of the federal and state air pollution control requirements to which the facility is subject, and the terms and conditions for compliance with such applicable requirements.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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If you have any questions concerning this FINAL Operating Permit, please contact John Kirzec of the Western Regional Office at (413) 755-2225.

Sincerely,

Craig Goff
Permit Chief
Bureau of Waste Prevention
Western Region

JK/jk

CC: Mr. Jeffrey W. Bentz
MASSPOWER
750 Worcester Street
Springfield, Massachusetts 01151
w/enclosure



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AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("The Department") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

MASSPOWER
750 Worcester Street, P.O. Box 51877
Indian Orchard, MA 01151

INFORMATION RELIED UPON:

Application No. : 1-O-04-009
Transmittal No. : W047998

FACILITY LOCATION:

MASSPOWER
750 Worcester Street
Indian Orchard, MA 01151

FACILITY IDENTIFYING NUMBERS:

SSEIS ID: 042/0007
FMF FAC NO.: 205912
FMF RO NO.: 193985

NATURE OF BUSINESS:

Electric Power & Steam Generation

STANDARD INDUSTRIAL CODE (SIC):

4911 – Electric power generation

RESPONSIBLE OFFICIAL:

Name: Jeffrey W. Bentz
Title: General Manager

FACILITY CONTACT PERSON:

Name: Debby M. Cartney
Title: EHS Manager
Phone: (413) 731-6611 ext. 3007
Fax: (413) 781-4913
Email: debby.cartney@cogentrix.com

This operating permit shall expire on September 1, 2010.

For the Department of Environmental Protection, Bureau of Waste Prevention

Michael Gorski
Regional Director
Department of Environmental Protection
Western Regional Office

Date

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

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SPECIAL CONDITIONS FOR OPERATING PERMIT

A legend to abbreviated terms found in the following tables is located in Section 28 of this Operating Permit.

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee (hereinafter "MASSPOWER") is authorized to operate the air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

DESCRIPTION OF FACILITY AND OPERATIONS

The MASSPOWER facility is a combined cycle power plant located at 750 Worcester Street in the Indian Orchard section of Springfield. The Facility consists of two General Electric (GE) Frame 7EA combustion turbines each rated at 87 megawatts (MW) and exhausting to two heat recovery steam generators, a single 72 MW steam turbine, and ancillary equipment. The Facility supplies process and heating steam to the adjacent Solutia, Inc. facility, and produces approximately 240 MW for the electrical grid. Fuel for the combustion turbines is natural gas, with distillate oil as a backup fuel.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
Emission Unit (EU)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU 1	Gas Turbine 1A ⁽¹⁾	1250 MMBtu/hr ⁽²⁾	Steam Injection & Selective Catalytic Reduction
EU 2	Gas Turbine 1B ⁽¹⁾	1250 MMBtu/hr ⁽²⁾	Steam Injection & Selective Catalytic Reduction
EU 3	Wet surface air cooled condensers & heat exchangers.	658 MMBtu/hr	none
EU 4	Distillate oil tank	1,250,000 gallons	none
EU 5	Cold cleaning degreasers	various	none

(1) The stack parameters for Gas Turbine 1A and Gas Turbine 1B are identical, and are as follows: Ht.=213 feet; I.D.=15.75 ft.

(2) Based on ISO conditions at 59°F, relative humidity of 60%, and an atmospheric pressure of 14.7 psia.

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the Department's Regional Office as changes occur.	310 CMR 7.00:Appendix C(5)(h)

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS – The Permittee is subject to the emission limits/restrictions as contained in Table 3 as follows:

Table 3					
EU #	Fuel or Raw Material	Pollutant	Emission Limits/Standards ⁽¹⁾⁽²⁾	Restrictions (tons per year) ⁽³⁾	Applicable Regulation and/or Approval No.
EU 1 EU 2	natural gas & distillate oil	SO ₂	Gas – 6.4 lb/hr; 0.006 lb/MMBtu Oil – 222.0 lb/hr; 0.204 lb/MMBtu	237.0 tpy	DEP Approval #1-P-95-025 (9/8/95)
		PM ⁽⁴⁾	Gas – 6.3 lb/hr; 0.006 lb/MMBtu Oil – 51.0 lb/hr; 0.049 lb/MMBtu	93.6 tpy	DEP Approval #1-P-95-025 (9/8/95)
		NO _x	Gas – 37.6 lb/hr; 0.036 lb/MMBtu Oil – 77.0 lb/hr; 0.070 lb/MMBtu 300 lb per startup or shutdown event ⁽⁵⁾	394.0 tpy	DEP Approval #1-P-95-025 (9/8/95)
			See Special Terms and Conditions Section 5, Table 8a/8b		Regulation 310 CMR 7.28
		CO	Gas – 23.95 lb/hr; 0.022 lb/MMBtu Oil – 23.95 lb/hr; 0.022 lb/MMBtu 1,000 lb per startup or shutdown event ⁽⁵⁾	98.0 tpy	DEP Approval #1-P-95-025 (9/8/95)
		VOC	Gas – 2.3 lb/hr; 0.002 lb/MMBtu Oil – 11.0 lb/hr; 0.01 lb/MMBtu	28.0 tpy	DEP Approval #1-P-95-025 (9/8/95)
		NH ₃ (MA State only)	Gas or Oil – 15.3 lb/hr	134.0 tpy	DEP Approval #1-P-95-025 (9/8/95)
		Visible	80 lb per startup or shutdown event ⁽⁵⁾ ≤ 10% at all times.		DEP Approval #1-P-95-025 (9/8/95)
		Sulfur in fuel	Oil – ≤ 0.2% sulfur by weight (based on 19,633 Btu/lb) not to exceed 0.204 lb SO ₂ /MMBtu Gas – ≤ 0.8% sulfur by weight		DEP Approval #1-P-95-025 (9/8/95)
EU 5	cleaning solvents	VOC ⁽⁶⁾		each parts cleaner < 100 gallons of solvent/month	40 CFR Part 60 Subpart GG Regulation 310 CMR 7.03(5)

- (1) Emission limits expressed as pounds per hour (lb/hr) and pound per million Btu (lb/MMBtu) are based on a one-hour average.
- (2) The "lb/hr" and "lb/MMBtu" emission limits are "per turbine" limits and do not apply during conditions of startup, shutdown, malfunction, or equipment cleaning.
- (3) Emission limits expressed as tons per year (tpy) are based on a rolling 12 month total for both turbines combined.
- (4) Particulate matter (PM) as measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.
- (5) The "lb/event" emission limits are "per turbine" limits under startup or shutdown conditions and apply to natural gas firing only. Emission limits expressed as lb/event are based on a startup or shutdown event that may last up to 3 hours. Emission limits for pollutants other than NO_x, CO, & NH₃ during startup or shutdown are defined by the 'normal operation' limits specified herein.
- (6) Petroleum hydrocarbon (contains no halogens)

- B. COMPLIANCE DEMONSTRATION – The Permittee is subject to the monitoring, testing, record-keeping, and reporting requirements as contained in Tables 4a/4b, 5a/5b, and 6a/6b/6c below and 310 CMR 7.00 Appendix C (9) and (10): and applicable requirements as contained in Table 3.

Table 4a	
EU #	Monitoring/Testing Requirements
EU 1	MASSPOWER shall
EU 2	<ol style="list-style-type: none"> 1) In accordance with DEP Approval #1-P-95-025 (9/8/95), calibrate, test and operate a CEMS to measure and record flue gas emissions of NO_x, CO, and NH₃. 2) In accordance with DEP Approval #1-P-95-025 (9/8/95), operate a continuous opacity monitoring system (COMS) to continuously monitor and record the stack opacity. 3) In accordance with DEP Approval #1-P-95-025 (9/8/95), ensure that the COMS operates at all times the emission unit is operating except for periods of COMS QA/QC activities, maintenance and repair and when natural gas is the only fuel being burned. 4) In accordance with Regulation 310 CMR 7.00 Appendix C(9)(b)3., ensure that the flue gas CEMS equipment operates at all times the emission unit is operating, except for periods of CEMS QA/QC activities, maintenance and repair. Except for periods of CEMS QA/QC activities, obtain valid hourly-average data for at least 90% of the hours per calendar-year quarter (January- March, April-June, July-September, October-December) during which the emission unit is operating. 5) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 40 CFR 60.334, ensure that the NO_x CEMS complies with the quality assurance provisions of 40 CFR Part 75 Appendix B. 6) In accordance with DEP Approval #1-P-95-025 (9/8/95), ensure that the CO and NH₃ CEMS and Opacity monitors comply with the quality assurance provisions of 40 CFR Part 60 Appendix B and F, as applicable, except that the data validation and frequency for performing daily calibration error (CE) tests and frequency of performing routine QA cylinder gas audits (CGA) and Relative Accuracy Test Audits (RATA), as applicable, will be in accordance with the quality assurance provisions for NO_x CEMS contained in 40 CFR 75 Appendix B, section 2.1 for CE, section 2.2 for CGA and section 2.3 for RATA.. 7) In accordance with DEP Approval #1-P-95-025 (9/8/95), continuously monitor and record fuel consumption fired in each turbine except for periods of QA/QC activities, maintenance and repair of the fuel consumption monitoring equipment. 8) In accordance with DEP Approval #1-P-95-025 (9/8/95), equip with alarms and continuously monitor the temperatures at the inlets to the SCR catalyst, except for periods of QA/QC activities, maintenance and repair of the SCR inlet temperature monitoring equipment. 9) In accordance with DEP Approval #1-P-95-025 (9/8/95), 40 CFR 60 Subpart GG section 60.334 and 40 CFR 75 Appendix D section 2.2, monitor sulfur content, density and gross calorific value (GCV) of oil. 10) In accordance with DEP Approval #1-P-95-025 (9/8/95), 40 CFR 60 Subpart GG section 60.334 and 40 CFR 75 Appendix D section 2.3, monitor the sulfur content and gross calorific value of natural gas.

Table 4b

EU #	Monitoring/Testing Requirements
EU 1 EU 2	<p>MASSPOWER shall</p> <p>11) In accordance with 310 CMR 7.28(11)(a)(4), ensure all applicable monitoring systems are subject to initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in 40 CFR Part 75 Subpart H.</p> <p>12) As required by 310 CMR 7.28(11)(a)(5), ensure that, during a period when valid data is not being recorded by a monitoring system approved under 310 CMR 7.28, the missing or invalid data is replaced with default data in accordance with the provisions of 40 CFR 75.70(f). The applicable missing data procedures are specified in 40 CFR Part 75 for NO_x emission rate (in lb/MMBtu), heat input, stack gas volumetric flow rate, oil density, GCV or fuel flow rate.</p> <p>13) In accordance with 310 CMR 7.28(11)(a)(6), report NO_x emissions data to the NO_x Emissions Tracking System (NETS) in accordance with 310 CMR 7.28(13).</p> <p>14) In accordance with 310 CMR 7.28(11)(a)(7), report data pursuant to the requirements of 310 CMR 7.28(11) for every hour.</p> <p>15) In accordance with 310 CMR 7.28(11)(b), comply with the notification requirements in 40 CFR 75.61, where applicable.</p> <p>16) In accordance with 310 CMR 7.28(11)(a)(1), for any budget unit that commences operation before January 1, 2002, install, operate and successfully complete all applicable certification testing requirements for monitoring heat input, NO_x emission rate and NO_x mass emissions pursuant to the requirements of 40 CFR Part 75 Subpart H by May 1, 2002.</p> <p>17) In accordance with 310 CMR 7.04(4)(a), inspect and maintain each combustion turbine in accordance with the manufacturer's recommendations and test each combustion turbine in accordance with the manufacturer's recommendations for efficient operation at least once each calendar year.</p>
EU 5	<p>MASSPOWER shall</p> <p>1) In accordance with 310 CMR 7.18(8)(g), upon request of the Department or EPA, perform or have performed tests to demonstrate compliance with 310 CMR 7.18(8).</p>
Facility-Wide	<p>MASSPOWER shall</p> <p>1) In accordance with 310 CMR 7.13 <u>Stack Testing</u>, conduct stack testing, upon written request of the Department, for any air contaminant for which the Department has determined testing is necessary, to ascertain compliance with the Department's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method if approved by the Department and EPA.</p> <p>In accordance with 310 CMR 7.02(8), any compliance determination with the allowable particulate emission rate shall be in accordance with the EPA Methods 1– 5, as specified in 40 CFR Part 60, Appendix A</p> <p>In accordance with 310 CMR 7.00 Appendix C(9)(b), any compliance determination with the allowable emission limits shall be in accordance with EPA Method 7E for NO_x, EPA Method 10 for CO, and EPA Method 9 for smoke/opacity, as specified in 40 CFR 60, Appendix A.</p>

Table 5a

EU #	Recordkeeping Requirements
EU 1 EU 2	<p>MASSPOWER shall</p> <ol style="list-style-type: none"> 1) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 310 CMR 7.00: Appendix C, maintain for the life of the facility all operating and monitoring records and logs, and made available to the Department for inspection upon request the five most recent years' data. 2) In accordance with DEP Approval #1-P-95-025 (9/8/95), maintain records of fuel sampling and analysis in accordance with 40 CFR 60 Subpart GG and 40 CFR 75 Appendix D. 3) In accordance with DEP Approval #1-P-95-025 (9/8/95), retain on-site for five years and make available to the Department upon request permanent records of fuel consumption and the output from all CEMS. 4) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 310 CMR 7.00 Appendix C(10)(b), maintain a log (may be computer generated) of each period that oil is fired in the turbines. This log shall contain the date, duration of oil firing, cumulative hours of oil firing for the previous 12 months, and the amount of oil fired. 5) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 310 CMR 7.00 Appendix C(10)(b), maintain a log (may be computer generated) of the hours each turbine is operated in a condition of startup, shutdown, malfunction, and/or equipment cleaning. This log shall contain the date, duration of operation in the specified mode, and the cumulative hours of operation for the previous 12 months. 6) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 310 CMR 7.00 Appendix C(10)(b), maintain continuous records documenting for each turbine the power output levels and whether the SCR control system is concurrently operational. 7) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 310 CMR 7.00 Appendix C(10)(b), maintain records of the hours per calendar-year quarter that each CEM is obtaining valid hourly-average data. 8) In accordance with DEP Approval #1-P-95-025 (9/8/95), maintain a log book, which may be part of the operation logs, to record any emergency releases, as well as any problems, upsets or failures associated with the emission control and ammonia handling systems. 9) In accordance with 310 CMR 7.28(8)(e), keep current the information on the Authorized Account Representative (AAR) Form. 10) In accordance with 310 CMR 7.28(12), keep all measurements, data, reports and other information required by 310 CMR 7.28 for five years, or any other period consistent with the budget unit's operating permit

Table 5b	
EU #	Recordkeeping Requirements
EU 4	<p>MASSPOWER shall</p> <ol style="list-style-type: none"> 1) In accordance with 40 CFR Part 60 Subpart Kb §60.110b(a) and §60.116b(b), keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. 2) In accordance with 40 CFR Part 60 Subpart Kb §60.116b(c), maintain a record of the volatile organic liquid ("VOL") stored, the period of storage, and the maximum true vapor pressure of the VOL.
EU 5	<p>MASSPOWER shall</p> <ol style="list-style-type: none"> 1) In accordance with 310 CMR 7.03(3) and 7.18(8), prepare and maintain daily records sufficient to demonstrate compliance with the solvent use rates stated in 310 CMR 7.03(5). 2) In accordance with 310 CMR 7.18(8)(f), prepare and maintain daily records sufficient to demonstrate compliance consistent with an instantaneous averaging time as stated in 310 CMR 7.18(2)(a). Records kept to demonstrate compliance shall be kept on-site for five years and shall be made available to representatives of the Department and EPA upon request. Such records shall include, but are not limited to: <ol style="list-style-type: none"> a. identity, quantity, formulation and density of solvent(s) used, and b. quantity, formulation and density of all waste solvent(s) generated, and c. actual operational and performance characteristics of the degreaser.
Facility-Wide	<p>MASSPOWER shall</p> <ol style="list-style-type: none"> 1) In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application. 2) In accordance with 310 CMR 7.12, maintain the records required to determine the nature and amounts of emissions from the facility. 3) In accordance with 310 CMR 7.12(3)(b), retain a copy of the Source Registration and other information supplied to the Department to comply with 310 CMR 7.12 for a minimum of five years from the date of submittal.

Table 6a	
EU #	Reporting Requirements†
EU 1 EU 2	<p>MASSPOWER shall</p> <ol style="list-style-type: none"> 1) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 310 CMR 7.00 Appendix C, submit a monthly report to the Department by the 15th of the following month which contains the following information: <ol style="list-style-type: none"> a. A summary of emission data showing any excursions from allowable emission levels or operating conditions. An explanation of any excursions shall be included and quantified to the extent feasible. b. Each period during which there is any firing of oil. The report will include the date of oil firing, the amount of oil fired, the reasons and duration of firing. The report will summarize the number of hours of oil firing and the total amount burned for the year-to-date and for the previous 12 months. c. Each period during which a turbine operates in a condition of startup, shutdown, malfunction, and/or equipment cleaning. The report will be a summary of operation in the specified mode. d. Each period when the SCR control equipment is not operating and a turbine is operating between 50% and 100% power output, except during periods of startup and shutdown, regardless of the fuel being burned. e. For the most recent calendar-year quarter, whether the 90% valid data requirement in Table 4a for EU 1 and EU 2 (General provision 4) has been met. f. Upsets or failures associated with the emission control system or continuous monitoring equipment. These reports should include the duration of the upset or failure of the controls or CEMS, the causes, any action taken to remedy the problem and the amount of excess emissions during any control upset. g. A tabulation of periods of operation (dispatch). 2) In accordance with 40 CFR 60, 40 CFR 72, 40 CFR 75, 310 CMR 7.28., comply with all applicable reporting requirements contained therein. 3) In accordance with 310 CMR 7.28(13)(a)(1), ensure the AAR submits quarterly reports for each calendar quarter beginning with: the earlier of the calendar quarter that includes the date of initial certification or, if the certification tests are not completed by May 1, 2002, the partial calendar quarter from May 1, 2002 through June 30, 2002. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of certification or the first hour on May 1, 2002. 4) In accordance with 310 CMR 7.28(13)(b), ensure the AAR for each budget unit using CEMS submits to the Administrator all emissions and operating information for each calendar quarter of each year in accordance with the standards specified in 40 CFR Part 75 Subpart H and 40 CFR 75.64. 5) In accordance with 310 CMR 7.28(13)(c)(1), for units subject to an Acid Rain Emissions limitation, ensure the quarterly reports include all of the data and information required in 40 CFR Part 75 Subpart H for each NOx Budget unit (or group of units using a common stack) as well as information required in 40 CFR Part 75 Subpart G. 6) In accordance with 310 CMR 7.28(13), report NOx emissions data pursuant to the requirements of 310 CMR 7.28(11)(a)(6), (a)(7) and (b). NOx emissions data should be reported directly to EPA's National Computer Center mainframe computer in a method acceptable to EPA. The deadline to submit data to EPA is 30 days after the end of each calendar quarter. 7) In accordance with 310 CMR 7.28(13)(e), by October 31 of each year, report to the Department each facility's metered net electric and useful steam output for that year's control period. Net electric output must be reported in megawatt-hours, and steam output in MMBtu. If data for steam output is not available, the person may report heat input providing useful steam output as a surrogate for steam output.

† The annual Source Registration/Emission Statement report shall be submitted to the DEP office specified in the instructions. **All other reports, including both 6-month summary reports, are to be submitted to the Western Regional Office.**

Table 6b

EU #	Reporting Requirements
EU 1 EU 2	<p>MASSPOWER shall</p> <p>8) In accordance with 310 CMR 7.28(15), for each control period, ensure the AAR for the budget unit submits by November 30 of each year, an annual compliance certification report to the Department and the NATS Administrator.</p> <p>In accordance with 310 CMR 7.28(15)(c), the compliance certification shall contain the following elements, in a format prescribed by the Administrator:</p> <ol style="list-style-type: none"> 1. Identification of the budget unit, including name, unit address, name of AAR and NATS account number. 2. At the AAR's option, the serial numbers of the NOx allowances that are to be deducted from each unit's compliance account for the control period, and the percent of allowances to be deducted for each unit on a common stack. 3. A statement that emissions data have been submitted to the Administrator in accordance with the procedures established in 310 CMR 7.28(13) and in conformance with the requirements of the Administrator. 4. A statement that the budget unit holds sufficient current year or banked allowances available under 40 CFR 96.54 in its compliance or overdraft account for the control period, as of the allowance transfer deadline, to equal or exceed the recorded emissions for the control period. 5. A statement certifying that the monitoring data reflected operations at the budget unit. 6. A statement that all emissions from the budget unit were accounted for, either through the applicable monitoring or through application of the appropriate missing data procedures and reported in the quarterly reports. If provisionally certified data were reported, the NOx AAR must indicate whether the status of all provisionally certified data was resolved and all necessary quarterly reports were submitted. 7. A statement indicating whether there was any changes in the method of operation of the budget unit or the method of monitoring the budget unit during the current year. If a change must be reported, then specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor re-certification. 8. A certification statement stating (verbatim): "I am authorized to make this submission on behalf of the owners, lessees, operators and controllers of the NOx Budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment." <p>9) In accordance with 310 CMR 7.28(15)(b), ensure that the compliance certification report is submitted no later than the allowance transfer deadline (November 30) of each year.</p> <p>10) In accordance with 310 CMR 7.28, reference, if required, a previously approved RATA protocol at the time of test notification provided that the referenced protocol was completed in accordance with current 40 CFR Part 75 procedures, addresses all previous DEP protocol comments to the satisfaction of the DEP, and none of the information has changed. If a revised protocol must be submitted, it must be submitted at least 21 days prior to the scheduled test date.</p> <p>11) In accordance with 310 CMR 7.28, submit a hardcopy of the QA RATA or Appendix E/LME test results to both the DEP Lawrence and DEP Regional offices within 45 days of completion of tests. The electronic results must be submitted in the quarterly electronic data report (EDR).</p> <p>12) In accordance with 310 CMR 7.28, report results from QA daily Calibrations, quarterly Linearity checks and Appendix D Fuel Flow-meter tests electronically in the EDR submittal for the quarter in which the testing occurs.</p>

Table 6c	
EU #	Reporting Requirements
EU 1 EU 2	<p>MASSPOWER shall</p> <p>13) Ensure that notification of QA testing is made for Relative Accuracy Test Audits (RATAs) and Appendix E/LME (Low Mass Emission) unit tests, and is made at least 21 days prior to the scheduled test date to the EPA as required by 40 CFR 75.61, to the DEP Lawrence office at DEP, Wall Experiment Station, 37 Shattuck Street, Lawrence, MA 01843-1398 Attn: Source Monitoring Section, and to the DEP Regional office, Attn: BWP Permit Chief. If tests must be rescheduled, 24 hours notice must be given, as specified in 40 CFR 75.61(a)(5).</p> <p>14) In accordance with 40 CFR 60, provide notification of QA testing for Relative Accuracy Test Audits (RATAs). Notification at least 21 days prior to the scheduled test date to the EPA PSD Permitting group and to the DEP Regional Office, Attn: BWP Permit Chief. If tests must be rescheduled, 24 hours notice must be given.</p> <p>15) In accordance with 40 CFR Part 60.7, submit quarterly reports to the EPA Regional Office and to the DEP Regional Office.</p>
EU 5	<p>MASSPOWER shall</p> <p>1) In accordance with 310 CMR 7.03(2), report to the Department any construction, substantial reconstruction or alteration of a degreaser described in 310 CMR 7.03(5) on the next required Source Registration/Emission Statement, in accordance with 310 CMR 7.12.</p>
Facility-Wide	<p>MASSPOWER shall</p> <p>1) In accordance with 310 CMR 7.12, submit a Source Registration/Emission Statement form to the Department on an annual basis.</p> <p>2) In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to the Department two compliance summaries, one by January 30 for the time period July – December of the previous calendar year, and the other by July 30 for the time period January – June of the current calendar year. (See Provision 10 in “GENERAL CONDITIONS FOR OPERATING PERMIT”)</p> <p>3) In accordance with 310 CMR 7.13(1)(d), submit to the Department any stack test results for any air contaminant obtained from stack testing required by the Department within such time as agreed to in the approved test protocol.</p> <p>4) In accordance with 310 CMR 7.00 Appendix C(5)(b)9., submit annually a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. (See Provision 10 in “GENERAL CONDITIONS FOR OPERATING PERMIT”)</p> <p>5) In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to the Department any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by the Department or EPA.</p> <p>6) In accordance with 310 CMR 7.00 Appendix C(10)(f), the Permittee shall report to the Department's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. (See Provision 25 in “GENERAL CONDITIONS FOR OPERATING PERMIT”)</p>

C. GENERAL APPLICABLE REQUIREMENTS – The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE – The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Description/Reason
Clean Air Act Section 112(r): Accidental Release Prevention Requirements	Facility does not store, use, or process any of the listed compounds in quantities greater than thresholds.
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs less than 250 people.
42 U.S.C. 7401, §112(d)	Hazardous Air Pollutants
310 CMR 7.27: NOx Allowance Program	Superseded by 310 CMR 7.28

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Table 3, 4a/4b, 5a/5b, and 6a/6b/6c:

Table 8a	
EU #	Special Terms and Conditions
EU 1 EU 2	<p>MASSPOWER shall</p> <ol style="list-style-type: none"> 1) In accordance with DEP Approval #1-P-95-025 (9/8/95), limit oil use per turbine to no more than 840 hours operation for any consecutive 12 month period. 2) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 310 CMR 7.00: Appendix C(7)(a), all emissions (including start-up, shutdown, malfunction, equipment cleaning and normal operations) must be quantified and included in the total gas turbine emissions limits to meet the annual requirements of this Operating Permit. A "malfunction" must be both unexpected and unavoidable (assuming normal preventive maintenance procedures have been done on a timely basis). 3) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 310 CMR 7.00 Appendix C(7)(a), ensure that a turbine startup not last more than 3 hours duration. The turbine shall be brought into compliance with emission limits as quickly as possible while operating within the manufacturer's recommended startup procedures. 4) In accordance with DEP Approval #1-P-95-025 (9/8/95) and 310 CMR 7.00 Appendix C(7)(a), except during periods of startup and shutdown, operate each turbine at or above 50% of rated base load. <p>State NOx Allowance Program 310 CMR 7.28</p> <ol style="list-style-type: none"> 5) EU 1 and EU 2 are subject to the requirements of NOx Allowance Program, 310 CMR 7.28. The Department issued an Emission Control Plan (ECP) approval for this facility on June 8, 2005. 6) Each budget unit shall meter electric output in accordance with the approved monitoring methodology contained in Table II and Table III of the ECP Approval #1-E-02-025 (dated June 8, 2005). In the case where billing meters are used to determine output, no QA/QC activities beyond those already performed are required. To qualify as a billing meter, the measurement device must be used to measure electric or thermal output for commercial billing under a contract. The facility selling the electric or thermal output must have different owners from the owners of the party purchasing the electric or thermal output. Any electric or thermal output values that the facility reports must be the same as the values used in billing for the output. 7) In accordance with 310 CMR 7.28(13)(d), should a budget unit be permanently shut down, the Department will grant an exemption from the requirements of 310 CMR 7.28 upon request from the budget unit's AAR, and provided the shutdown is part of an approved emission control plan or approved under 310 CMR 7.00: Appendix B. The request must include an identification of the budget unit being shut down, and the date of shutdown. Department approval of the request for shutdown exemption will be sent to the AAR, and the Administrator, and may contain conditions as deemed necessary by the Department. 8) In accordance with 310 CMR 7.28(14)(a), the data reported to the Administrator by the Authorized Account Representative (AAR) for a budget unit in accordance with 310 CMR 7.28(13), and the allowance allocations and transfers recorded in the NATS compliance or overdraft account for that budget unit, are the basis for determining compliance with 310 CMR 7.28. 9) In accordance with 310 CMR 7.28(14)(b), each year by November 30, the AAR for each budget unit may request that the Administrator deduct current year allowances from the compliance or overdraft account equivalent to the NOx emissions from the budget unit in the current control period. The request must be submitted by the AAR to the Administrator no later than the allowance transfer deadline (November 30). The request must identify the compliance or overdraft account from which the deductions should be made, and if desired, the serial numbers of the allowances to be deducted. If no serial numbers are identified, the Administrator will deduct allowances in the following order: current year allowances allocated to the account; current year allowances transferred to the account; banked allowances allocated to the account; and, banked allowances transferred to the account. Banked allowances may be used in place of current year allowances subject to the conditions in 310 CMR 7.28(9).

Table 8b	
EU #	Special Terms and Conditions
EU 1 EU 2	<p>10) In accordance with 310 CMR 7.28(14)(c), the Administrator will determine whether there are sufficient allowances in the compliance or overdraft account to cover the control period NOx emissions. Regardless of the AAR's request to the Administrator to deduct allowances pursuant to 310 CMR 7.28(14)(b), the Administrator will deduct a number of allowances equal to the current control period's NOx emissions, rounded to the nearest whole ton, from the budget unit's compliance or overdraft account.</p> <p>11) In accordance with 310 CMR 7.28(14)(d), should the emissions of the budget unit in the current control period exceed the allowances in the budget unit's compliance or overdraft account available for compliance for the control period, the AAR is responsible for obtaining additional allowances by the allowance transfer deadline. The total number of allowances in the compliance or overdraft account, including allowance transfers submitted to the Administrator in accordance with 310 CMR 7.28(10) by the allowance transfer deadline, must equal or exceed the control period emissions of NOx rounded to the nearest whole ton.</p> <p>12) In accordance with 310 CMR 7.28(14)(e), if the total number of allowances in the budget unit's compliance or overdraft account available for compliance, including allowance transfers submitted to the Administrator by the allowance transfer deadline in accordance with 310 CMR 7.28(10), does not equal or exceed the control period emissions of NOx from that budget unit, the Department will apply deduction penalties according to 310 CMR 7.28(16), and may take any additional enforcement action it deems appropriate.</p> <p>13) In accordance with 310 CMR 7.28(15)(d), the Department may verify compliance by whatever means necessary, including but not limited to:</p> <ol style="list-style-type: none"> 1. Inspection of a unit's operating records; 2. Obtaining information on allowance deduction and transfers from the NATS; 3. Obtaining information on emissions from the NETS; 4. Testing emission monitoring devices; and, 5. Requiring the person who owns, leases, operates or controls a budget unit to conduct emissions testing under the supervision of the Department. <p>14) Existing units that have completed the certification test requirements under 310 CMR 7.28 must meet all ongoing Quality Assurance testing requirements specified in 40 CFR Part 75.</p>

Table 8c

EU #	Special Terms and Conditions
EU 1 EU 2	<p>Federal Acid Rain Program, Phase II Acid Rain Permit</p> <p>15) MASSPOWER became subject to the Federal Acid Rain Program on March 2, 2005. EU1 & 2 are subject to the requirements of Phase II of the Federal Acid Rain Program as defined by EPA in 40 CFR Part 72. Pursuant to 40 CFR Part 72.71, 40 CFR Part 72.73, and 310 CMR 7.00: Appendix C(3)(n), the Department is the permitting authority for Phase II Acid Rain Permits. The Department issued the initial Phase II Acid Rain Permit for MASSPOWER on July 15, 2005. The Department will be incorporating future renewals of the Phase II Acid Rain Permit with Operating Permit Renewals.</p> <p>16) Within 60 days of the end of each calendar year, MASSPOWER shall hold in its SO₂ allowance account at least one allowance for each ton of SO₂ emitted during the previous year. An allowance is a limited authorization to emit SO₂ in accordance with the Acid Rain Program.</p> <p>17) If MASSPOWER has excess emissions in any calendar year, it shall submit a proposed offset plan as required under 40 CFR Part 77. In addition, MASSPOWER shall pay any penalties specified in 40 CFR Part 77 and comply with the terms of an approved offset plan.</p> <p>18) In accordance with 40 CFR Part 73, MASSPOWER's designated representative may buy, sell, trade, or transfer allowances between EU accounts at any time, except between 60 days of the end of the calendar year and the completion of the annual SO₂ allowance reconciliation for the preceding year(s).</p> <p>19) Within 60 days of the end of each calendar year the designated representative shall submit to the Department an annual compliance certification report pursuant to 40 CFR Part 72.9 Subpart I.</p>
Facility-Wide	<p>MASSPOWER shall</p> <p>1) MASSPOWER has indicated in their Operating Permit Application (Transmittal # 108045) that it is subject to and in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.</p> <p>2) In accordance with DEP Approval #1-P-95-025 (9/8/95), ensure that broadband sound pressure levels from the operation of the facility not increase more than 10 dB (a) above ambient or produce a "puretone" condition. (STATE ONLY applicable per 310 CMR 7.10: Noise)</p> <p>3) In accordance with DEP Approval Trans. # 8278 (10/30/92), post conspicuous signs at the ammonia unloading rack specifying that the vapor recovery system must be used by all trucks unloading product.</p> <p>4) In accordance with DEP Approval Trans. # 8278 (10/30/92), not allow any trucks to unload product at the ammonia loading rack unless the truck is equipped with a vapor recovery system.</p> <p>5) In accordance with DEP Approval Trans. # 8278 (10/30/92), take whatever measures are necessary to ensure that the flotation spheres in the ammonia storage tank containment at all times remain free from ice, snow, and other blockages that would prevent them from performing their intended function.</p>

6. ALTERNATIVE OPERATING SCENARIOS

The permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

A. Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies the United States Environmental Protection Agency (EPA) and the Department at least fifteen days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to the Department pursuant to 310 CMR 7.00: Appendix B.

B. Inter-facility emission trading

The Permittee is currently authorized to engage in emissions trading under the following federal and state regulatory programs:

40 CFR Parts 72 and 73 – SO₂ Allowance System;
310 CMR 7.28 – NO_x Allowance Trading Program;
310 CMR 7.00, Appendix A – Emission Offsets

All increases in emissions due to emission trading must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et. seq. (the "Act"), and provided for in this permit.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the Department shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the Department's web site, <http://www.state.ma.us/dep/bwp/daqc/aqforms.htm>.

(a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the Department and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the Department to determine the compliance status of the source.

(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the Department. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the Department to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the Department and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

12. PERMIT SHIELD

- A. This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

- B. The Department has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.
- C. Nothing in this permit shall alter or affect the following:
- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
 - (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
 - (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.02(8)(i), 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the Department, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

14. PERMIT TERM

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the Department's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the Department on the renewal application.

In the event the Department has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the Department takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the Department and/or EPA. The responsible official of the facility may request that the Department terminate the facility's operating permit for cause. The Department will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

17. DUTY TO PROVIDE INFORMATION

Upon the Department's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the

permit. Upon request, the Permittee shall furnish to the Department copies of records that the Permittee is required to retain by this permit.

18. DUTY TO SUPPLEMENT

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the Department a material error or omission in any records, reports, plans, or other documents previously provided to the Department.

19. TRANSFER OF OWNERSHIP OR OPERATION

This permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new Permittee, has been submitted to the Department.

20. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the Department, and EPA to perform the following:

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The Permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the Department or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- D. the permittee submitted notice of the emergency to the Department within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the Department's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit available to the permittee via the Department's web site, <http://www.state.ma.us/dep/bwp/daqc/aqforms.htm>.

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the permittee gives the EPA and the Department written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

- A. Administrative Amendments — The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).

- B. Minor Modifications — The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications — The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- D. No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

Not all abbreviations are present in every Operating Permit

10⁶ Btu/hr – 1,000,000 Btu per hour

CEM – continuous emission monitor

CGA – cylinder gas audit

the Chart – the Ringelmann Scale for grading the density of smoke

CO – carbon monoxide

CO₂ – carbon dioxide

COM – continuous opacity monitor

DAS – data acquisition system

EPA – Environmental Protection Agency

FMF FAC. NO. – Facility Master File Number

FMF RO NO. – Facility Master File Regulated Object Number

ft³ – cubic feet

HHV – higher heating value

hr – hour

ISO – represents 59°F, 60% relative humidity, 29.9 2 inches mercury at sea level

lb – pound

lb/MMBtu – pounds per million British thermal units

MMBtu/hr – million British thermal units per hour

MW – megawatt (1,000,000 watts)

ng – natural gas

NH₃ – ammonia

NO_x – nitrogen oxides

PLT ID – plant identification

PM – particulate matter

ppm – parts per million

ppmvd – parts per million (by volume, dry)

PTE – potential to emit

RATA – relative accuracy test audit

SO₂ – sulfur dioxide

SSEIS – Stationary Source Emission Inventory System

tpy – tons per year

VOC – volatile organic compound

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the Department's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P. O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.